

Response to Office Action of 12/16/2003
Appl. Ser. No. 09/720,098

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. The amendment to claim 1 involves limitations originally included in claim 2 that were inadvertently deleted in the previous amendment. Claim 13 has been added. This claim involves the same limitations that were included in claim 1 prior to the amendment made herein. Accordingly, no new matter has been added. Thus, claims 1-6, and 12-13 are now pending.

In the Office Action, claims 1, 3-6, and 12 were rejected as failing to comply with the written description requirement set forth in 35 U.S.C. § 112, ¶ 1. Claims 1 and 12-13, the only independent claims pending in the current application, require that the chlorinator waste, or mixture, respectively, be converted "in a single stage under conditions that promote conversion of said metal chloride into metal oxides and chlorine gas." The Examiner believed that this feature was not disclosed in the written description. The Applicants respectfully traverse this rejection.

According to MPEP § 2163.04, if the applicant amends the claims and points out how the originally filed written description supports the amendment, the Examiner has the initial burden of presenting evidence or reasoning to explain why persons having ordinary skill in the art would not recognize in the disclosure a description of the invention defined in the amended claims. The Applicants provided support for the amendment in the previous response. (Please see page 5, of previous response). Applicants respectfully contend that the Examiner has failed to meet this burden.

More specifically, support for the "single state" feature of the claims can be found in the figures and the written description. (See the fluidized bed reactor 20 in Fig 5). One having ordinary skill in the art would understand figures 5 and 6 and the accompanying description as indicating that the process is carried out in a single stage. Figures 5 and 6 depict an apparatus involving only a single fluidized bed reactor 20. In addition, reference to the "fluidized bed 20" and "fluidized bed reactor 20" is made only in the singular form. (See p. 10, ll. 18-26; p. 15, l. 28 - p. 16, l. 11).

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Moreover, the written description discusses the control of process conditions in order to increase the effectiveness of the process. (page 9, lines 20-31). As the written description indicates, all of the conditions are discussed with respect to the fluidized bed, indicating the process is conducted in a single stage, in the fluidized bed reactor. All these conditions must be coordinated in order to discourage the oxidation of carbon while promoting the conversion of metal chlorides to metal oxides and chlorine gas, as required by the independent claims. This is why the process must be carried out in a single stage. For this reason, the written description taught away from the prior art processes involving multiple stages, repeatedly referring to the shortcomings of the multi-stage processes disclosed in the prior art. (page 5, lines 7-10) (the use of the multi-stage process disclosed in U.S. Patent No. 4,624,843 renders reactor operation and control more difficult), (page 8, lines 10-18) (stating that the multiple stages of the process disclosed in U.S. Pat. No. 4,060,584 causes significant amounts of chlorine associated with the metals present in the feed to stay with the solids in a pre-oxidizer stage of the process). This further demonstrates that the claimed process is carried out in a single stage.

Applicants also direct the Examiner's attention to the following excerpt from the written description:

The process comprises feeding chlorinator waste with a gas containing oxygen to the fluidised bed dechlorinator 20 in which the conditions of temperature, gas velocity and oxygen to feed stoichiometry are controlled in an appropriate manner to optimise the recovery of chlorine and minimize the conversion of carbon. This dechlorination step essentially separates the chlorine from the chloride coating associated with carbon and rutile particles contained in the chlorinator waste.

(p. 20, ll. 29-37). The only logical construction of the process, as it is disclosed in the above excerpt and throughout the written description and figures, is that the process is conducted in a single stage. One having ordinary skill in the art would understand the written description and drawings as conveying a single stage process. Thus, the Applicants properly indicated possession of the claimed subject matter at the time of filing as required under 35 U.S.C. §112, ¶

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Accordingly, Applicants respectfully request reconsideration of the application in the form of a Notice of Allowance.



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Respectfully submitted,

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